

REMARKS

In the Office Action, the Examiner allowed claims 1-14 and 26-29 and rejected claims 15-21, 23, and 24. The Examiner also indicated that claims 22, 30, and 31 would be allowable if rewritten in independent form. By this Response, the Applicant hereby amends claims 15 and 19, cancels claim 22, and adds new claims 32-39 to clarify certain features and to expedite allowance of the present application. For example, the Applicant hereby amends independent claim 15 to recite allowable subject matter, for example, as found in claims 8, 27, 28, and 31. By further example, the Applicant adds the allowable subject matter of claim 22 into independent claim 19. New independent claim 32 recites the allowable subject matter of claim 30 without certain features of its base claim 19, while dependent claims 33 and 34 further add these features from claim 19. New independent claim 35 recites the allowable subject matter of claim 31 without certain features of its base claim 19, while dependent claims 36-38 further add these features from claim 19. New claim 39 depends from independent claim 15 and further adds allowable subject matter, for example, as found in claims 1, 26, and 30. These amendments and new claims do not add any new matter. In view of the foregoing amendments and following remarks, Applicant respectfully requests allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 15, 17, 19-21, 23, and 24 under U.S.C. § 102(e) as being anticipated by Covey et al. (U.S. Publication No. 2004/0162586, hereinafter "Covey"). Applicant respectfully traverses this rejection.

Legal Precedent

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re*

Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 15

Turning to the claims, the amended independent claim 15 recites, *inter alia*, “the RF transmitter is configured to not broadcast during operation of the medical device.”

In contrast, the Covey reference teaches communication with tags during operation of a defibrillator 10. See Covey, paragraphs [0039] and [0042]. For example, the Covey reference discloses “the self-diagnostic test of the defibrillator 10 is run in order to acquire status information pertaining to the operating status of the defibrillator 10 and its attendant components.” Covey, paragraph [0039]. The Covey reference further discloses that “[u]pon initiation of the self-diagnostic test of the defibrillator 10, the next step 64 involves the processor 38 generating a query signal that is used to interrogate the electrode identification tags.” Covey, paragraph [0042]. In view of these passages, among others, the Applicant stresses that the Covey reference does not teach or suggest the foregoing claim features.

In view of these deficiencies, the Covey reference cannot anticipate independent claim 15 and its dependent claims.

Independent claim 19

The amended independent claim 19 recites, *inter alia*, “determining a component list of the medical device via the information received from the RF device.”

As noted above, the Applicant incorporated this feature from allowable dependent claim 22 into independent claim 19. As a result, independent claim 19 and its dependent claims are now in condition for allowance.

For these reasons, among others, the Applicant respectfully requests withdrawal of all outstanding rejections under 35 U.S.C. § 102.

Rejection Under 35 U.S.C. § 103

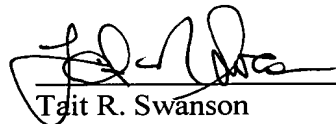
The Examiner rejected claims 16, 18, and 25 under 35 U.S.C. 103(a) as being unpatentable over Covey. Applicant respectfully traverses this rejection. Claims 16 and 18 depend from independent claim 15, while claim 25 depends from independent claim 19. As noted above, these independent claims now recite allowable subject matter, which is neither taught nor suggested by the Covey reference. Accordingly, the Applicant respectfully requests withdrawal of all outstanding rejections under 35 U.S.C. § 103.

Conclusion

Applicant respectfully submits that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: October 31, 2006

A handwritten signature in black ink, appearing to read 'Tait R. Swanson', is written over a horizontal line.

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